

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation dated 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Key Sites Assessments

Date: 20-11-2019

Sydney

SCHEDULE 1

Development consent:	SSD 7662 granted by the Acting Executive Director, Key Sites and Industry Assessments on 8 September 2017.
For the following:	Mixed use development, including: • a total Gross Floor Area (GFA) of 62,655 m² comprising 61,155 m² residential GFA (705 apartments) and 1,500 m² of retail GFA • four residential buildings ranging in heights between nine and 35 storeys with ground floor retail • basement car parking, including 730 spaces • landscaping, access and public domain works.
Applicant:	Mirvac Projects Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Site 53, Corner Figtree Drive and Australia Avenue, Sydney Olympic Park (Lot 22 in DP 787402 and part Lot 10 in DP 1185060)
Modification:	SSD 7662 (MOD 3): Modifications to a mixed-use development, including: • reinstatement of brick finish to entry 'portal' grates to ground floor terraces of Building 1 • addition of awning above the pedestrian lift on Building 1 • conversion of 10 x 2 bedroom apartments into 10 x 1 bedroom and study apartments on Level 12 to 21 of Building 2 • deletion of window in bedroom in Apartment 22303 and 22403 on Level 23 and 24 of Building 2 • amendment to roof plant screen on Level 25 of Building 2 • deletion of window in balcony in Apartment 52305 on Level 23 of Building 5 • amendment to roof plant screen on Level 24 of Building 5.

SCHEDULE 2

The above approval is modified as follows:

1. Part A – Administrative Conditions – Condition A1 is amended by the deletion of struck out words and the insertion of **bold and underlined** words as follows:

The Applicant, in acting on this consent, must carry out the development:

- a) in compliance with the conditions of consent;
- b) in accordance with all written directions of the Secretary;
- c) generally in accordance with the State Significant Development Application SSD16_7662 *Environmental Impact Statement, Site 53, 2 Figtree Drive, Sydney Olympic Park*, and accompanying appendices, prepared by Urbis Pty Ltd and dated 7 December 2016;
- d) generally in accordance with the document *Response to Submissions: SSD16_7662, Site 53, Sydney Olympic Park*, and accompanying appendices, prepared by Urbis Pty Ltd and dated 16 June 2017;
- e) generally in accordance with the document *SSD16_7662: Response to Public Submissions, Site 53, Sydney Olympic Park*, prepared by Urbis and dated 24 August 2017;
- f) generally in accordance with the landfill gas assessment prepared by JBS&G Australia Pty Ltd dated 29 August 2017 and the site suitability letter prepared by JBS&G Australia Pty Ltd dated 28 April 2016;
- g) generally in accordance with *SSD16_7662: Site 53, 2 Fig Tree Drive, Sydney Olympic Park Section 4.55 Modification Application*, and accompanying appendices, prepared by Urbis dated 14 July 2018;
- h) generally in accordance with *Response to Submissions: SSD_7662 MOD 1: Site 53, 2 Fig Tree Drive, Sydney Olympic Park* and accompanying appendices, prepared by Urbis dated 20 September 2018;
- i) in accordance with the document *SSD 15_7662: Site 53, 2 Figtree Drive, Sydney Olympic Park Section 4.55(1A) Modification Application* and accompanying appendices, prepared by Urbis dated 16 January 2019;
- j) **in accordance with the document SSD 15 7662: Site 53, Figtree Drive, Sydney Olympic Park Section 4.55(1A) Modification Application and accompanying appendices, prepared by Urbis dated 20 September 2019;**
- k) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent; and

Architectural (or Design) Drawings prepared by BVN Architects:			
Drawing No.	Issue	Name of Plan	Date
MOD-1			
DA-2102	N	General Arrangement Plan – Level B04	26/06/2018
DA-2103	N	General Arrangement Plan – Level B03	26/06/2018
DA-2104	O	General Arrangement Plan – Level B02	26/06/2018
DA-2105	Q	General Arrangement Plan – Level B01	26/06/2018
DA-2106	Q	General Arrangement Plan – Level 01	26/06/2018
DA-2107	O	General Arrangement Plan - Level 02	26/06/2018
DA-2108	N	General Arrangement Plan – Level 03	26/06/2018

DA-2109	N	General Arrangement Plan - Level 04	26/06/2018
DA-2110	J	General Arrangement Plan - Level 05	26/06/2018
DA-2111	M	General Arrangement Plan - Level 06	26/06/2018
DA-2112	K	General Arrangement Plan - Level 07	26/06/2018
DA-2113	K	General Arrangement Plan - Level 08	26/06/2018
DA-2114	N	General Arrangement Plan - Level 09	26/06/2018
DA-2115	N	General Arrangement Plan - Level 10	26/06/2018
DA-2116	N	General Arrangement Plan - Level 11	26/06/2018
DA-2117	N	General Arrangement Plan - Level 12	26/06/2018
DA-2118	N	General Arrangement Plan - Level 13	26/06/2018
DA-2119	K	General Arrangement Plan - Level 14	26/06/2018
DA-2120	K	General Arrangement Plan - Level 15	26/06/2018
DA-2121	K	General Arrangement Plan - Level 16	26/06/2018
DA-2122	N	General Arrangement Plan - Level 17	26/06/2018
DA-2123	K	General Arrangement Plan - Level 18	26/06/2018
DA-2124	N	General Arrangement Plan - Level 19	26/06/2018
DA-2125	K	General Arrangement Plan - Level 20	26/06/2018
DA-2126	K	General Arrangement Plan - Level 21	26/06/2018
DA-2127	K	General Arrangement Plan - Level 22	26/06/2018
DA-2128	N	General Arrangement Plan - Level 23	26/06/2018
DA-2129	N	General Arrangement Plan - Level 24	26/06/2018
DA-2130	L	General Arrangement Plan - Level 25	26/06/2018
DA-2131	M	General Arrangement Plan - Level 26	26/06/2018
DA-2132	M	General Arrangement Plan - Level 27	26/06/2018
DA-2133	K	General Arrangement Plan - Level 28	26/06/2018
DA-2134	K	General Arrangement Plan - Level 29	26/06/2018
DA-2135	K	General Arrangement Plan - Level 30	26/06/2018
DA-2136	N	General Arrangement Plan - Level 31	26/06/2018
DA-2137	G	General Arrangement Plan - Level 32	26/06/2018
DA-2138	E	General Arrangement Plan - Level 33	26/06/2018
DA-2139	E	General Arrangement Plan - Level 34	26/06/2018
DA-2140	E	General Arrangement Plan - Level 35	26/06/2018
DA-2141	E	General Arrangement Plan - Roof Plan Level 36	26/06/2018
DA-3000	K	North Elevation - Figtree Drive	26/06/2018
DA-3001	K	East Elevation - Australia Avenue	26/06/2018
DA-3002	K	West Elevation - New Street	26/06/2018
DA-3003	K	South Elevation - Linear Park	26/06/2018
DA-4000	L	General Arrangement - Section 1	26/06/2018
DA-4001	L	General Arrangement - Section 2	26/06/2018
DA-5000	H	Shadow Diagram Winter Solstice June 21	26/06/2018
MOD 2			
DA-2106	P	General Arrangement Plan - Level 01	-
DA-2108	O	General Arrangement Plan - Level 03	-
DA-2113	L	General Arrangement Plan - Level 08	-
DA-2114	O	General Arrangement Plan - Level 09	-

DA-2115	O	General Arrangement Plan - Level 10	-
DA-2128	O	General Arrangement Plan - Level 23	-
DA-2300	I	GFA Sheet 1	-
DA-3000	L	North Elevation - Figtree Drive	-
DA-3002	L	West Elevation - New Street	-
DA-3003	L	South Elevation - Linear Park	-
DA-4002	A	General Arrangement Section 3	-
DA-5000	J	Shadow Study	-
MOD 3			
<u>DA-2105</u>	<u>P</u>	<u>General Arrangement Plan - Level B01</u>	<u>29/08/2019</u>
<u>DA-2106</u>	<u>Q</u>	<u>General Arrangement Plan - Level 01</u>	<u>29/08/2019</u>
<u>DA-2117</u>	<u>O</u>	<u>General Arrangement Plan - Level 12</u>	<u>29/08/2019</u>
<u>DA-2118</u>	<u>O</u>	<u>General Arrangement Plan - Level 13</u>	<u>29/08/2019</u>
<u>DA-2119</u>	<u>L</u>	<u>General Arrangement Plan - Level 14</u>	<u>29/08/2019</u>
<u>DA-2120</u>	<u>L</u>	<u>General Arrangement Plan - Level 15</u>	<u>29/08/2019</u>
<u>DA-2121</u>	<u>L</u>	<u>General Arrangement Plan - Level 16</u>	<u>29/08/2019</u>
<u>DA-2122</u>	<u>O</u>	<u>General Arrangement Plan - Level 17</u>	<u>29/08/2019</u>
<u>DA-2123</u>	<u>L</u>	<u>General Arrangement Plan - Level 18</u>	<u>29/08/2019</u>
<u>DA-2124</u>	<u>O</u>	<u>General Arrangement Plan - Level 19</u>	<u>29/08/2019</u>
<u>DA-2125</u>	<u>L</u>	<u>General Arrangement Plan - Level 20</u>	<u>29/08/2019</u>
<u>DA-2126</u>	<u>L</u>	<u>General Arrangement Plan - Level 21</u>	<u>29/08/2019</u>
<u>DA-2128</u>	<u>P</u>	<u>General Arrangement Plan - Level 23</u>	<u>29/08/2019</u>
<u>DA-2129</u>	<u>O</u>	<u>General Arrangement Plan - Level 24</u>	<u>29/08/2019</u>
<u>DA-2130</u>	<u>M</u>	<u>General Arrangement Plan - Level 25</u>	<u>29/08/2019</u>
<u>DA-2131</u>	<u>N</u>	<u>General Arrangement Plan - Level 26</u>	<u>29/08/2019</u>
<u>DA-2301</u>	<u>I</u>	<u>GFA - Sheet 2</u>	<u>29/08/2019</u>
<u>DA-3000</u>	<u>M</u>	<u>North Elevation - Figtree Drive</u>	<u>29/08/2019</u>
<u>DA-3001</u>	<u>L</u>	<u>East Elevation - Australia Avenue</u>	<u>29/08/2019</u>
<u>DA-3002</u>	<u>M</u>	<u>West Elevation - New Street</u>	<u>29/08/2019</u>
<u>DA-3003</u>	<u>M</u>	<u>South Elevation - Linear Park</u>	<u>29/08/2019</u>
<u>DA-4000</u>	<u>M</u>	<u>General Arrangement Section 1</u>	<u>29/08/2019</u>
<u>DA-4001</u>	<u>M</u>	<u>General Arrangement Section 2</u>	<u>29/08/2019</u>
<u>DA-4002</u>	<u>B</u>	<u>General Arrangement Section 3</u>	<u>29/08/2019</u>
<u>DA-5000</u>	<u>J</u>	<u>Shadow Study</u>	<u>29/08/2019</u>

1. Part B – Prior to issue of the relevant construction certificate – Condition B9 is amended by the deletion of ~~struck out~~ words/numbers and the insertion of **bold and underlined** words as follows:

BASIX

B9. All commitments outlined in ~~BASIX Certificate Number 650643M_10 dated 27 June 2018~~ **BASIX Certificate Number 650643M 18 dated 6 November 2019** required to achieve satisfactory levels of thermal comfort and water and energy ratings, shall be incorporated into the proposed development provided to the Certifying Authority prior to the issue of a relevant Construction Certificate.

2. Part B – Prior to issue of the relevant construction certificate – Condition B11 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **bold and underlined** words as follows:

Car Parking and Access

B11. A maximum of 730 car parking spaces are to be provided for the development comprising:

- (a) ~~71~~ **70** visitor/commercial/retail spaces;
- (b) 4 car share spaces; and
- (c) ~~655~~ **656** residential spaces.

3. Part B – Prior to issue of the relevant construction certificate – Condition B12 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **bold and underlined** words as follows:

Bicycle Parking and Facilities

B12. A minimum of ~~1,017~~ **1,016** bicycle parking spaces are to be provided for the development, comprising:

- (a) 812 bike spaces (residential component);
- (b) ~~175~~ **174** residential visitor spaces; and
- (c) 30 commercial/retail spaces.

4. Part E – Prior to occupation or commencement of use – Condition E22 is amended by the deletion of ~~struck-out~~ words/numbers and the insertion of **bold and underlined** words as follows:

Railway Corridor – Sydney Trains

E22. Prior to the ~~issuing~~ **issue** of ~~an~~ **each** an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Consent Authority. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been encroachment into Sydney Trains property or easement. The Principle Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**End of modification
(SSD 7662 MOD 3)**